

EIGHTIETH DAY

(Continued)

(Saturday, May 27, 1995)

AFTER RECESS

The Senate met at 9:30 a.m. and was called to order by Senator Harris.

LOCAL AND UNCONTESTED BILLS CALENDAR

The Presiding Officer announced that the time had arrived for consideration of the Local and Uncontested Bills Calendar.

Pursuant to Senate Rule 9.03(d), the following bills were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed (vote on Constitutional Three-Day Rule and final passage indicated after the caption of each bill):

H.C.R. 94 (Sibley) Designating the monarch butterfly as the official State Insect. (vv)

H.C.R. 129 (Madla) Directing the Texas Department of Mental Health and Mental Retardation to conduct a feasibility study to ascertain the costs for constructing and/or renovating buildings on the campus of the San Antonio State Chest Hospital and San Antonio State School. (vv)

H.C.R. 134 (Lucio) Requesting the Texas Department of Transportation to expedite improvements to and the expansion of U.S. Highway 83. (vv)

H.C.R. 178 (Haywood) Designating the longhorn the official Large State Mammal of Texas and the armadillo the official Small State Mammal of Texas. (vv)

H.C.R. 209 (Patterson) Designating the Lone Star Flight Museum of Galveston the Texas Aviation Hall of Fame. (vv)

H.B. 43 (Moncrief) Relating to civil liability for stalking. (31-0) (31-0)

H.B. 46 (Patterson) Relating to consideration of certain claims in nonrenewal of certain insurance policies. (31-0) (31-0)

H.B. 120 (Sibley) Relating to the imposition of a fee on a defendant who requests participation in a teen court program. (31-0) (31-0)

H.B. 127 (Ellis) Relating to implementation of the National Voter Registration Act of 1993 and to related election processes and procedures; providing criminal penalties. (31-0) (31-0)

H.B. 158 (Cain) Relating to authorizing the provision of state financial assistance to the Civil Air Patrol, Texas Wing, to support the wing's disaster-related activities. (31-0) (31-0)

H.B. 170 (Armbrister) Relating to the requirement that certain child support payments be forwarded by electronic funds transfer. (31-0) (31-0)

(Senator Shapiro in Chair)

H.B. 179 (Barrientos) Relating to the participation of certain defendants in county jail work release programs. (31-0) (31-0)

H.B. 253 (Whitmire) Relating to requiring that parole officers receive information on new parolees within 14 days after release. (31-0) (31-0)

H.B. 269 (Sims) Relating to the redundant reporting of information within the criminal justice information system. (31-0) (31-0)

H.B. 330 (Sibley) Relating to the payment of certain fees and court costs by a person who successfully completes a teen court program. (31-0) (31-0)

H.B. 334 (Armbrister) Relating to the state's official marine education center. (31-0) (31-0)

H.B. 341 (Nixon) Relating to an offense for operation of a motor vehicle on a hike and bike trail. (31-0) (31-0)

H.B. 387 (Gallegos) Relating to the jurisdiction of certain justice courts. (31-0) (31-0)

H.B. 391 (Ratliff) Relating to the availability of motor vehicle accident reports. (31-0) (31-0)

H.B. 485 (Nelson) Relating to the characterization of expenses incurred in connection with a meeting of an organization or club affiliated with a political party. (31-0) (31-0)

H.B. 603 (Zaffirini) Relating to the issuance of a qualified domestic relations order to clarify or modify a final divorce order that provides for the division of a pension or other retirement benefits. (31-0) (31-0)

(Senator Rosson in Chair)

H.B. 2257 (Harris) Relating to certain inquiries made by the Texas Department of Insurance and information from those inquiries. (31-0) (31-0)

H.B. 647 (Luna) Relating to the modification of an order providing for a managing conservator's or possessory conservator's possession of and access to a child on a conviction for child abuse; providing a penalty. (31-0) (31-0)

H.B. 690 (Luna) Relating to notices required to be posted by certain applicants for an on-premises alcoholic beverage permit or license. (31-0) (31-0)

H.B. 770 (Sibley) Relating to the attorney for service of process of certain insurance companies. (31-0) (31-0)

H.B. 774 (Sibley) Relating to certain technical corrections to the Insurance Code. (31-0) (31-0)

H.B. 775 (Sibley) Relating to corporations transacting certain insurance business. (31-0) (31-0)

H.B. 835 (Sibley) Relating to violation of speed limits required by federal law. (31-0) (31-0)

H.B. 871 (Ellis) Relating to securing a hospital lien. (31-0) (31-0)

H.B. 885 (Haywood) Relating to the amount of insurance coverage allowed under group life insurance policies. (31-0) (31-0)

H.B. 1027 (Sibley) Relating to certain eligibility conditions for receipt of unemployment compensation benefits. (31-0) (31-0)

H.B. 1028 (Sibley) Relating to the enforcement of certain regulations regarding the employment of children. (31-0) (31-0)

H.B. 1030 (Sibley) Relating to extended benefits for unemployment compensation. (31-0) (31-0)

H.B. 1053 (Zaffirini) Relating to funding for victims of family violence. (31-0) (31-0)

H.B. 1108 (Moncrief) Relating to requiring a criminal background check for a prospective adoptive parent. (31-0) (31-0)

H.B. 1109 (Moncrief) Relating to a mandatory study into the circumstances and condition of the home of a person seeking to adopt a child. (31-0) (31-0)

(Senator West in Chair)

H.B. 1125 (Henderson) Relating to the forced sale of a co-owner's interest in certain real property. (31-0) (31-0)

H.B. 1195 (Henderson) Relating to the appointment of persons convicted of certain crimes as guardians. (31-0) (31-0)

H.B. 1259 (Rosson) Relating to security obligations of a licensed seller of checks. (31-0) (31-0)

H.B. 1274 (Harris) Relating to information about a registered voter that may be obtained by a domestic relations office from state voter registration records. (31-0) (31-0)

H.B. 1275 (Armbrister) Relating to apprehension specialists of the Texas Youth Commission as peace officers. (31-0) (31-0)

H.B. 1281 (Montford) Relating to the operation of cable television systems by general-law municipalities. (31-0) (31-0)

H.B. 1302 (Barrientos) Relating to the powers of the Tanglewood Forest Municipal Utility District. (31-0) (31-0)

H.B. 1338 (Luna) Relating to testing and remedial education of a student enrolled in a certificate program. (31-0) (31-0)

H.B. 1361 (Nixon) Relating to the authority of a rural fire prevention district to borrow money. (31-0) (31-0)

H.B. 1384 (Armbrister) Relating to the purchase and sale of certain fish taken from fresh water in certain counties. (31-0) (31-0)

H.B. 1388 (Nixon) Relating to certain information collected in the jury selection process. (31-0) (31-0)

H.B. 1407 (Barrientos) Relating to applications for oil and gas permits and revocation of permits, certificates of compliance, and organization reports filed with the Railroad Commission of Texas. (29-0-2) Moncrief, Montford "Present-not voting" (29-0-2) Moncrief, Montford "Present-not voting"

H.B. 1457 (Ellis) Relating to review of enforcement of the federal fair housing laws in this state. (31-0) (31-0)

H.B. 1496 (Nixon) Relating to indemnity provisions in certain mineral agreements. (31-0) (31-0)

H.B. 1608 (Rosson) Relating to the regulation of the sale of checks. (31-0) (31-0)

H.B. 1637 (Shapiro) Relating to smoke detectors in leased residential premises. (30-0-1) Harris "Present-not voting" (30-0-1) Harris "Present-not voting"

(Senator Moncrief in Chair)

H.B. 1649 (Zaffirini) Relating to the development and implementation of an electronic data processing system to expedite payments to certain child-care providers. (31-0) (31-0)

H.B. 1736 (Bivins) Relating to termination of certain agreements between suppliers of and dealers in farm, industrial, and outdoor power equipment. (31-0) (31-0)

H.B. 1765 (Wentworth) Relating to the regulation of the fitting and dispensing of hearing instruments. (31-0) (31-0)

H.B. 1794 (Turner) Relating to issuance of special license plates for a forestry vehicle. (31-0) (31-0)

H.B. 1798 (Armbrister) Relating to the creation of a panel with authority to approve the release of the state's interest in land in certain circumstances. (31-0) (31-0)

H.B. 1823 (Truan) Relating to regulation by the Parks and Wildlife Department of the taking of marl, sand, gravel, shell, or mudshell; providing penalties. (31-0) (31-0)

H.B. 1844 (Bivins) Relating to the bond and oath requirements applicable to constables. (31-0) (31-0)

H.B. 1846 (Rosson) Relating to the establishment of the El Paso Quadricentennial Commission. (31-0) (31-0)

H.B. 1856 (Sibley) Relating to the creation of municipal courts of record in White Settlement. (31-0) (31-0)

H.B. 1879 (Haywood) Relating to the change of name of a party to a suit for dissolution of a marriage. (31-0) (31-0)

H.B. 1885 (Armbrister) Relating to solicitation transactions that take place outside a merchant's place of business. (31-0) (31-0)

H.B. 1922 (Rosson) Relating to authorized activities of the holder of a brewer's permit. (31-0) (31-0)

H.B. 1933 (Rosson) Relating to the provision of information to the holders of certain insurance policies. (31-0) (31-0)

H.B. 1966 (Sibley) Relating to the use of optical imaging and other electronic means for certain business records and records in municipal courts. (31-0) (31-0)

H.B. 1976 (Brown) Relating to the conveyance of certain state-owned real property in Harris County to the City of Bellaire. (31-0) (31-0)

H.B. 1987 (Lucio) Relating to surplus lines insurance. (31-0) (31-0)

H.B. 2029 (Henderson) Relating to guardianships and incapacitated persons. (31-0) (31-0)

H.B. 2034 (Ellis) Relating to the disbursement of emergency services district funds. (31-0) (31-0)

H.B. 2039 (Nixon) Relating to plugging notices of the Railroad Commission of Texas. (31-0) (31-0)

H.B. 2083 (Brown) Relating to the issuance of special license plates and parking placards for vehicles owned by or transporting disabled persons and the enforcement of the law relating to parking by or for disabled persons. (31-0) (31-0)

H.B. 2098 (Henderson) Relating to justice court juries in certain counties. (31-0) (31-0)

H.B. 2177 (Patterson) Relating to the validation of all acts, governmental proceedings, officials, bonds, and obligations of navigation districts. (31-0) (31-0)

H.B. 2180 (Rosson) Relating to financial assistance for aviation facilities development. (31-0) (31-0)

H.B. 2197 (Zaffirini) Relating to the payment in installments of ad valorem taxes on certain property located in a disaster area. (31-0) (31-0)

H.B. 2198 (Ellis) Relating to establishing a pilot program to use suitable underutilized state property for community gardens and farmers markets for the benefit of low-income and needy families. (31-0) (31-0)

H.B. 2226 (Gallegos) Relating to the authority of a law enforcement officer commissioned by the Department of Public Safety to wear a uniform purchased from the state while providing law enforcement services for entities other than the department. (31-0) (31-0)

H.B. 2267 (Wentworth) Relating to the types of permit or license which may be held by a wine only package store permittee. (31-0) (31-0)

H.B. 2296 (Brown) Relating to the creation of a voluntary cleanup program for solid and hazardous wastes. (31-0) (31-0)

H.B. 2330 (Harris) Relating to the statute of limitations for personal injury or death as a result of sexual assault. (31-0) (31-0)

H.B. 2331 (Gallegos) Relating to the creation of the offense of preventing execution of civil process. (31-0) (31-0)

(Senator Rosson in Chair)

H.B. 2345 (Harris) Relating to the regulation of slaughterers by a county; providing a penalty. (31-0) (31-0)

H.B. 2358 (Sibley) Relating to the authority of certain municipal hospital authorities to borrow money. (31-0) (31-0)

H.B. 2362 (Harris on behalf of Rosson) Relating to exemptions from the study requirements applicable to local recording agents. (31-0) (31-0)

H.B. 2370 (Cain) Relating to revival of a dormant judgment. (31-0) (31-0)

H.B. 2382 (Armbrister) Relating to the training of food service workers. (31-0) (31-0)

H.B. 2402 (Nixon) Relating to the regulation of tattoo studios. (31-0) (31-0)

H.B. 2405 (Henderson) Relating to municipal court proceedings in a municipality participating with another municipality in a joint police department contract. (31-0) (31-0)

H.B. 2448 (Cain) Relating to information from and policies of certain state agencies and the analysis of some of the information and policies. (31-0) (31-0)

H.B. 2449 (Cain) Relating to the distribution of state agency binding encumbrance reports and state agency reports about utility audits. (31-0) (31-0)

H.B. 2487 (Harris on behalf of Rosson) Relating to certain fees charged for consumer credit purposes. (31-0) (31-0)

H.B. 2501 (Cain) Relating to insurance requirements for certain persons who engage in a business regarding fire alarms or fire detection devices. (31-0) (31-0)

H.B. 2516 (Patterson) Relating to payment of certain amounts due to the operator of a vehicle storage facility. (31-0) (31-0)

H.B. 2522 (Madla) Relating to participation in benefits from the Employees Retirement System of Texas for certain law enforcement and custodial officers. (31-0) (31-0)

H.B. 2525 (Armbrister) Relating to the authority of certain hospital authorities to issue short-term obligations. (31-0) (31-0)

H.B. 2527 (Shapiro) Relating to the regulation of foreign credit unions. (31-0) (31-0)

H.B. 2529 (Lucio) Relating to the conservation of credit unions. (31-0) (31-0)

H.B. 2553 (Harris) Relating to the regulation of bed and breakfast establishments as food service establishments. (31-0) (31-0)

H.B. 2584 (Lucio) Relating to the weight of vehicles transporting recyclable materials; providing penalties. (31-0) (31-0)

H.B. 2618 (Brown) Relating to the repeal of the separate reporting requirement for the Texas irrigators fund. (31-0) (31-0)

H.B. 2662 (Shapiro) Relating to the form of a person's name in an indictment. (31-0) (31-0)

H.B. 2704 (Harris on behalf of Rosson) Relating to criminal history checks of employees and applicants for employment in certain facilities serving the elderly or persons with disabilities. (31-0) (31-0)

H.B. 2710 (Lucio) Relating to the applicability of the Insurance Holding Company System Regulatory Act. (31-0) (31-0)

H.B. 2745 (Harris on behalf of Rosson) Relating to user safety at unmanned teller machines. (31-0) (31-0)

H.B. 2803 (Barrientos) Relating to prohibiting improper utility disconnections in residential tenancies. (31-0) (31-0)

(Senator Harris in Chair)

H.B. 2805 (Ellis) Relating to the appointment of a tenant member to the governing body of a municipal housing authority. (31-0) (31-0)

H.B. 2845 (Cain) Relating to the powers, functions, authority, and duties of the Automobile Theft Prevention Authority. (31-0) (31-0)

H.B. 2859 (Zaffirini) Relating to the powers, duties, and name of the Texas Commission for the Deaf and Hearing Impaired. (31-0) (31-0)

H.B. 2873 (Nixon) Relating to the Nacogdoches County Hospital District. (31-0) (31-0)

H.B. 2925 (Nixon) Relating to the sale or transfer of Water Supply or Sewer Service Corporation stock, membership, or other right of participation of the person or entity to whom the membership is transferred. (31-0) (31-0)

- H.B. 2944** (Ellis) Relating to solid waste disposal fees. (31-0) (31-0)
- H.B. 2949** (Nixon) Relating to the use of certain court services and facilities after a change of venue has been ordered in a criminal proceeding. (31-0) (31-0)
- H.B. 2951** (Nixon) Relating to mechanical or electronic selection of a "special venire" jury panel in a capital case. (31-0) (31-0)
- H.B. 2960** (Armbrister) Relating to the liquidation of insolvent insurers, the commissioner of insurance in his statutory capacity as receiver, and the insurance guaranty associations. (31-0) (31-0)
- H.B. 2980** (Ellis) Relating to coverage for district judges and volunteer fire departments under the County Government Risk Management Pool. (31-0) (31-0)
- H.B. 3017** (Shapiro) Relating to fees charged by and to records retained by certain law enforcement agencies for fingerprinting. (31-0) (31-0)
- H.B. 3086** (Henderson) Relating to implementing federal energy policy through the energy management center. (31-0) (31-0)
- H.B. 3186** (Rosson) Relating to the creation, administration, powers, duties, operation, and financing of the El Paso County Municipal Utility District No. 2. (31-0) (31-0)
- H.B. 3187** (Rosson) Relating to the creation, administration, powers, duties, operation, and financing of the El Paso County Municipal Utility District No. 1. (31-0) (31-0)
- H.B. 3197** (Galloway) Relating to recording of proceedings in a county court at law in Liberty County. (31-0) (31-0)
- H.B. 3207** (Cain) Relating to the exemption of certain personal property from seizure for the satisfaction of debts. (31-0) (31-0)
- H.B. 3208** (Moncrief on behalf of Harris) Relating to requiring safety chains for certain vehicles towing trailers. (31-0) (31-0)
- H.B. 3214** (Zaffirini) Relating to the creation of a statutory county court in Bee County. (31-0) (31-0)
- H.B. 3215** (Henderson) Relating to the board of directors of the Harris-Galveston Coastal Subsidence District. (31-0) (31-0)
- H.B. 3222** (Moncrief) Relating to the creation of municipal courts of record in River Oaks. (31-0) (31-0)
- H.B. 3231** (Brown) Relating to the Brazoria County Drainage District Number 4; the powers and duties of the district; the election, terms, and compensation of district commissioners; filling vacant positions on the district board of commissioners; changing the name of the district; authorizing the issuance of bonds and imposition of a tax; and granting the power of eminent domain. (31-0) (31-0)

H.B. 3179 (Brown) Relating to the creation, administration, powers, duties, operation, and financing of the Clear Creek Watershed Regional Flood Control District, granting the power of eminent domain, authorizing the issuance of bonds, providing for the levy, assessment, and collection of ad valorem taxes, and providing for a civil penalty: (31-0) (31-0)

**BILLS REMOVED FROM
LOCAL AND UNCONTESTED BILLS CALENDAR**

<u>Number</u>	<u>Senators Removing</u>
H.B. 2133	Truan, Harris
H.B. 2898	Moncrief, Harris
H.B. 3169	Haywood, Harris
H.B. 3225	Truan, Harris

**CONCLUSION OF SESSION FOR
LOCAL AND UNCONTESTED BILLS CALENDAR**

The Presiding Officer, Senator Harris in Chair, announced that the session for the consideration of the Local and Uncontested Bills Calendar was concluded.

ADJOURNMENT

On motion of Senator Truan, the Senate at 10:42 a.m. adjourned until 11:00 a.m. today.

**EIGHTY-FIRST DAY
(Saturday, May 27, 1995)**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Mr. Stuart Bates, Seminarian, Episcopal Theological Seminary of the Southwest, Austin, offered the invocation as follows:

Almighty and everliving God, we pause now to acknowledge You and Your presence with us this day. And like King Solomon, we ask You for wisdom, the wisdom to legislate in truth and order,